

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action that issued January 27, 2005. In light of the following remarks, reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-14 are pending in this Patent Application. Claims 1 and 8 are independent claims.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0122057 to Maloney, ("Maloney") in view of the publication by Clunie, entitled, "DICOM SR Meets XML" and "SR Object Model (SR_OM)", NEMA SR Workshop (pages 1-22, March 29-30 2000), (hereinafter "Clunie") in further view of U.S. Patent No. 6,732,330 to Claussen ("Claussen"). Claim 8 is rejected under 35 U.S.C. §103(a) as unpatentable over Clunie. Claims 9-11 are rejected under 35 U.S.C. §103(a) as unpatentable over Clunie in view of Claussen. Claims 12-14 are rejected under 35 U.S.C. §103(a) as unpatentable over Clunie in view of Claussen in further view of Maloney.

In response, to the 35 U.S.C. §103(a) rejections, Applicants provide the following remarks together with a Philips Research restricted access report by Kwok Pun Lee and Jingkun Hu, the Applicants, entitled "A Translator for Structured Reports from DICOM Binary Format to XML Format", (hereinafter

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"Exhibit B" as previously included in the Amendment submitted on September 29, 2004) and a Declaration under 37 C.F.R. §1.131 included in Appendix A herein in support of Exhibit B. Exhibit B together with the 37 C.F.R. §1.131 Declaration clearly shows a reduction to practice of the inventions protected by the currently pending claims prior to the March 2, 2001 filing date of Maloney.

Applicants proffer the Declaration of Kwok Pun Lee (included herein Appendix A) pursuant to 37 C.F.R. §1.131 together with the previously submitted Exhibit B and respectfully submit that together these documents obviate Maloney and thus the rejections under 35 U.S.C. §103.

Exhibit B evidences that the DICOM-to-XML Translator was actually designed, implemented, and tested prior to the filing date of Maloney. The activity contributing to this reduction to practice was conducted by Kwok Pun Lee, Jingkun Hu, and/or technicians working under Kwok Pun Lee's and/or Jingkun Hu's direct supervision and control prior to the filing of Maloney.

The reduction to practice evidenced by Exhibit B consists of a description for an actual constructed translator for structured reports from DICOM binary format to Extensible Markup Language (XML) format (hereinafter, the "DICOM-to-XML Translator"). Exhibit B and the DICOM-to-XML Translator were

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not available to the public. Exhibit B was utilized as the basis for the preparation of United States Patent Application Serial No. 09/818,715. The Applicants respectfully submit that Exhibit B clearly describes the results of an actual translator that was built to validate the DICOM to XML conversion. The (emphasis provided) "document describes the application scenario, design, and implementation of the DICOM2XML translator." (See, Exhibit B, page 3, lines 22-23.)

For example, Exhibit B, page 3, lines 18-19 clearly states that (emphasis provided) "[w]e have implemented a translator, called DICOM2XML, which takes a structured report in DICOM binary format and produces an XML document." Section 3 of Exhibit B titled "Design Decisions" describe two exemplary translators and correspond in fact to the translators shown in FIGs. 1 and 2 of the '715 patent Application. Exhibit B on page 5, second paragraph, states "we selected the second approach" for implementing the DICOM-to-XML Translator. Other elements of the implemented DICOM-to-XML Translator are described on page 6, lines 5-6 including selection of an XML parser, Xerces version 1.1 from Apache Software Foundation. Figure 4 of Exhibit B directly corresponds to FIG. 2 of the '715 Patent Application. Exhibit B, sections 6 and 7 describes in detail the Implementation of the DICOM-to-XML Translator including the

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mapping rules for the translation and the XSL Stylesheet used. Section 8 sets out that the DICOM-to-XML Translator coupled to an XML-to-DICOM translator produced a match to the originally input DICOM document. In other words, the implementation produced an XML result that was verified by translating the result of the DICOM-to-XML Translator back into DICOM. Accordingly, it is clear that the built and described DICOM-to-XML Translator worked for its intended purpose.

The description itself contained in Exhibit B is sufficient to enable a person of ordinary skill in the art to also implement the DICOM-to-XML Translator without requiring undue experimentation and therefore is clear evidence of a reduction to practice.

Exhibit B fully supports the claimed invention for example as required by Claim 1 including "[a] method for mapping a DICOM-SR document into an XML document" as for example shown in Figures 1 and 2 of exhibit B. Further "mapping each DICOM attribute of a plurality of DICOM attributes in the DICOM-SR document into a corresponding XML element of a plurality of XML elements" is illustratively shown in Exhibit B, page 8, Section 6, subparagraph 6. Further still, "outputting each XML element of the plurality of XML elements to the XML document, in a format that conforms to an XML document-type-definition of the

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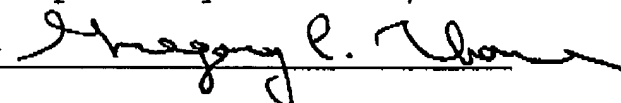
XML document" is illustratively shown in section 7 through the use of SR XSL Style Sheets. Similarly, the elements of the other claims are well supported by the illustrative embodiment shown in Exhibit B.

It is respectfully submitted that Exhibit B together with the Declaration contained herein provides substantial evidence and clearly demonstrates that the DICOM-to-XML Translator in fact existed and worked for its intended purpose prior to the filing date of Maloney.

Accordingly, Applicants' respectfully submit that the §1.131 Declaration and Exhibit B evidence a prior reduction to practice of the teachings of Maloney. Thus, it is respectfully submitted that the 35 U.S.C. §103(a) rejections are overcome. In light of the substantial evidence contained herein, it is respectfully requested that the 35 U.S.C. §103(a) rejections be withdrawn. The Applicant's have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By



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Enclosure: Appendix A: §1.131 Declaration

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